

REMARKS**I. Introduction**

Claims 1-3 have been examined and rejected. Upon entry of this amendment, Claims 1-3 will have been cancelled and new Claims 4-17 will have been added. Applicants respectfully submit that pending claims 4-17 are now in condition for allowance and request continued examination and reconsideration of the rejections set forth in the Office Action. Applicant has also made changes to the figures in accordance with the Draftsperson's Review.

II. Response to Rejections**Rejections under 35 U.S.C. § 112**

The Examiner rejected Claims 1-3 under 35 U.S.C. § 112 for having two conflicting structural classes. In response, Applicant has cancelled Claims 1-3 without prejudice and added new Claims 4-17 which do not have conflicting structural classes.

Additionally, the Examiner indicated that Claim 2 recites the phrase "techniques as described in the document." Applicant has cancelled pending Claim 2. Added Claims 4-17 do not contain any similar phrases.

Rejections under 35 U.S.C. § 103

Claims 1-3 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ogasawara United States Patent Number 6,577,861 B2 ("Ogasawara") and Allard et al. States Patent Number 6,249,773 B1 ("Allard"). With respect to Claim 1, the Examiner stated that Ogasawara teaches a system and method comprising the steps of "uploading barcodes in using a personal scanner into a centralized repository, resolving this barcode into appropriate product identification (such as the SKU), storing this information in the repository in the form of customized shopping list or folders." The Examiner makes specific reference to the Abstract, Col. 2, lines 56-59, Col. 4, lines 43-45, and Col. 7, lines 18-20.

Applicant respectfully submits that the Examiner has erred in his interpretation of Ogasawara. Specifically, Ogasawara does not teach storing uploaded information in the form of shopping lists. In Ogasawara, the uploaded information is only stored until the

online transaction is completed. This information is not saved for later use. In fact, Ogasawara teaches away from storing shopping lists. Ogasawara states:

It is desirable to download the purchase transaction program into a wireless telephone as needed, rather than to permanently store the purchase transaction program in the wireless telephone, because downloading allows a plurality of different sellers to utilize their own programs, rather than requiring a single, universal program for all sellers. (Col. 3, lines 4-9)

That is, each time a user wishes to utilize the system of Ogasawara, a program must be downloaded onto the wireless telephone. This program is not permanently stored on the device. Therefore, storing shopping lists on the wireless telephone would not be possible. Also, Ogasawara does not disclose storing or creating shopping lists on the server. Finally, Ogasawara does disclose creating and printing customized barcode by buyers catalogs for facilitating subsequent purchase ordering.

With respect to Allard, the Examiner stated that Allard teaches “a method and system [for] using these lists to conduct online shopping, creating or printing personalized catalogs that include the product information of items within these shopping lists along an associated barcode (see at least Abstract and Col. 2, lines 8-65).” Again, Applicant feels that the Examiner may have misinterpreted the disclosure of Allard. Allard provides a shopping list builder for use with e-commerce. Nowhere in the specification does Allard disclose the term barcode or any use of barcodes in conjunction with the shopping lists. Allard does disclose utilizing UPCs, but only to track items (see Col. 5, lines 35-44). The UPCs are never utilized to create custom barcode catalogs.

As basis for rejection, the Examiner argued that the present invention is obvious in view of the combination of Ogasawara and Allard:

It would have been obvious to one of ordinary skill in the art at the time of the art to have provided the method and system of Ogasawara with the method and system of Allard to have enabled a system and method comprises the following steps: uploading barcodes in using a personal scanner into a centralized repository, resolving this barcode into appropriate product identification (such as the SKU), storing this information in the repository in the form of customized shopping lists or folders, using these lists to conduct online shopping, creating or printing personalized catalogs that include the product information of items within these shopping lists along an associated barcode. (Page 4 of Office Action)

As previously mentioned, Applicant believes that neither Ogasawara or Allard teaches creating personalized catalogs that include product information of barcodes along with an associated barcode. Additionally, Applicant does not believe it would be obvious to one skilled in the art to combine the teachings of Ogasawara and Allard. Ogasawara teaches a system and method in which a barcode scanner, a wireless telephone, and a downloaded program are utilized to conduct online shopping. In contrast, Allard discloses a system and method for building and maintaining shopping lists on an e-commerce website. The disclosure of Allard does not disclose utilizing barcodes in any manner.

Regarding Claim 2, Examiner argued that it would be obvious to one skilled in the art for one to utilize drag and drop techniques in combination with the teachings of Ogasawara and Allard. Applicant agrees that the techniques of drag and drop are well known in the art. However, Applicant believes that utilizing drag and drop techniques to facilitate online ordering is a novel idea which has not yet been disclosed in the prior art, and cannot, under any circumstances, be inferred from the reading Ogasawara and Allard. As stated by Applicant's specification, utilizing drag and drop to manage shopping lists and facilitate online ordering, would greatly reduce the complexity of managing shopping lists and building a shopping cart from these lists. In addition, utilizing the drag and drop technique substantially shortens online ordering time, Applicant submits in view of the foregoing that its disclosed method of utilizing drag and drop techniques to manage shopping lists and facilitate online ordering is patentable.

Regarding Claim 3, Examiner argues that Allard teaches a method of recommending substitute products. Specifically, the Examiner makes reference to Col. 2, lines 66-67 and Col. 3, lines 1-2 of Allard. Allard only discloses that a user of the system may search the inventory database utilizing techniques well known in the art to search the desired product and not to find a substitute product in one database by brand name, product type, cost and on-sale status. In contrast, Applicant discloses a method to search for a substitute product if the desired product is unfound, utilizing a variety of databases, and solely the inherent structure of a product barcode to recommend a substitute product. Therefore, Applicant submits in view of the foregoing that its unique method of recommending substitutes is patentable.

In view of the above amendments, arguments and papers filed herewith, it is respectfully submitted that the rejections should be withdrawn. The Application is now believed to be in a condition for allowance, which is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'O. Attia', is written over a horizontal line.

Olivier Attia